

Idaho jurors uphold our nation's values

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Twelve Inland Northwesterners just made tomorrow's history.

They were jurors in the trial of Sami Omar Al-Hussayen. As readers know, Al-Hussayen is a University of Idaho computer science student and citizen of Saudi Arabia accused of terrorism and visa fraud for building and maintaining Web sites for Islamic groups.

At his Boise trial, all 12 jurors voted to acquit Al-Hussayen on all terrorism charges and some visa violations. They deadlocked on the remaining visa violations, causing U.S. District Judge Edward Lodge to declare a mistrial. The government can only retry Al-Hussayen on the deadlocked charges and will probably deport him to Saudi Arabia instead.

I was not involved in the trial nor am I acquainted with Al-Hussayen. But I have come to believe the assertions of jurors and others that his crimes were really expressions of First Amendment protected free speech.

Since the 9-11 attacks, government and non-government advocates for the war on terrorism say almost every aspect of American life must change to cope with terrorism. In effect, the Boise jurors said, "Not the Bill of Rights, not on our watch."

The regional media, including this newspaper, have reported many comments by citizens and journalists supporting that stand.

Add my voice to theirs.

One reason the founding fathers added the Bill of Rights to our Constitution was to defend individuals against public hysteria. They knew what could happen without such protection. The Salem witch trials (1692) were still a living memory during some of their early careers, notably Benjamin Franklin's. Some of the most shameful incidents in later American history occurred when violent crimes triggered strong community emotions of fear and anger, which were then directed at innocent strangers or others who deviated from prevailing beliefs and practices.

The advent of television appears to be nationalizing that pattern. Weeks of continuous, emotion-laden "news" about the Oklahoma City and Columbine High School tragedies previewed the post-9/11 media orgy.

The Bill of Rights only works if ordinary citizens understand and support it. An acquaintance recently said, "Bob, don't get excited, none of the anti-terrorism measures threatens your freedom." If we all thought that way, nobody's rights would be secure.

Standing alone, not even the strongest group can defend against the government or an aroused community, and victims of public hysteria are usually the weakest among us.

The Aryan Nations (neo-Nazis) gave Inland Northwesterners a good test of our commitment to the Bill of Rights. We did pretty well. Most of us understood that defending the neo-Nazi's right to conduct their offensive parades was a demonstration of how much we cherish our own freedom, not an expression of love for Hitler or hatred of Jews.

The same lesson applies to the obnoxious and sometimes threatening material posted on Al-Hussayen's Web sites.

When neo-Nazis, Islamists — or Presbyterians — plot real crimes, prosecution is in order. When they only express unpopular, disgusting or even threatening views, the rest of us are on trial. We can discharge our responsibility as citizens of a free society by restraining the natural urge to punish views that repel us. Or we can become a mob. The latter rarely happens in modern America because of our strong tradition of public support for free expression and individual rights. That is the real strength and contribution of the Bill of Rights.

Ask an immigrant or foreign visitor what life can be like where that tradition is weak. Then tip your hat in respect to the Boise jurors, who strengthened that tradition in America — for all Americans.